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February 22, 2023

VIA E.C.F.

Honorable Katharine H. Parker
United States Magistrate Judge
Southern District of New York

USDC SDNY
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Re: Alexander Williams Jr. v. City of New York, et al., 22-CV-3819 (PGG) (KHP)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney representing defendants the City of New York (“City”), New York City Department of Correction (“DOC”) Deputy Warden (“DW”) Tiffany Morales, Assistant Deputy Warden (“ADW”) Tyneka Greene, Officer Preston Ritter, Officer Keesia Leitch, Officer Tiffany Walker, and Officer Kevin Young (collectively, “Defendants”) in the above referenced matter.¹ Defendants write to: (a) respectfully request a two month extension of time to (i) respond to the Second Amended Complaint from March 6, 2023, to May 8, 2023,² (ii) serve initial discovery requests from March 6, 2023, to May 8, 2023,² (iii) respond to initial discovery requests from April 6, 2023, to June 6, 2023, (iv) complete fact depositions from June 27, 2023, to August 28, 2023,³ (v) serve subpoenas requesting documents from third-parties from June 13, 2023, to August 14, 2023,⁴ (vi) complete fact discovery from July 11, 2023, to September 11, 2023; and (vii) respond to Local Civil Rule 33.2 requests from April 6, 2023, to June 6, 2023. Furthermore, Defendants respectfully request that the Court *sua sponte* grant corresponding extensions of time, including but not limited to the time to respond to the Second Amended Complaint, from March 6, 2023, to May 8, 2023, for defendants Captain Islam, DW Jonelle Shivraj, Officer Coxson, Chief Charlton Lemon, Captain Fedir Merenych, PA Nicolas Frantz, Karen Powell, and Deputy Warden Joanne Matos.⁵

¹ This case has been assigned to Assistant Corporation Counsel Mary Jane Anderson, who is not yet admitted to the New York State Bar. Ms. Anderson is handling this matter under my supervision and may be reached at (212) 356-2415 or maanders@law.nyc.gov.

² Two months from March 6, 2023, is May 6, 2023. However, because May 6, 2023, is a Saturday, in accordance with the Federal Rules of Civil Procedure (“FRCP”), this request results in an extension of time until May 8, 2023.

³ Two months from June 27, 2023, is August 27, 2023. However, because August 27, 2023, is a Sunday, in accordance with the FRCP, this request results in an extension of time until August 28, 2023.

⁴ Two months from June 13, 2023, is August 13, 2023. However, because August 13, 2023, is a Sunday, in accordance with the FRCP, this request results in an extension of time until August 14, 2023.

⁵ At this time, this Office only represents the City, DW Morales, ADW Greene, Officer Ritter, Officer Walker, Officer Leitch, and Officer Kevin Young, and does not represent any other individual defendant.

Plaintiff does not consent to an extension because, *inter alia*, he contends that the defendants have already been granted extensions and Plaintiff wants discovery to commence.⁶ This is the fourth request for an extension of time to respond to the Second Amended Complaint and Local Civil Rule 33.2 discovery requests, the first request for an extension of time to produce initial disclosures and respond to Plaintiff's interrogatories,⁷ and the third request for an extension of time concerning the other discovery-related deadlines.

I. Relevant Background

On June 22, 2022, Plaintiff, who is presently incarcerated and proceeding *pro se*, filed the governing pleading, *i.e.*, the Second Amended Complaint. (See Dkt. Nos. 14, 14-1.) The Second Amended Complaint consists of two hundred and sixty-eight pages and contains over twenty allegations against fourteen individuals and the City over a span of approximately thirty dates of incidents. (See id.)

On December 22, 2022, Defendants wrote to the Court to request, *inter alia*, an extension of time to respond to the Second Amended Complaint from January 3, 2023, to March 6, 2023. (See Dkt. No. 55.) On January 3, 2023, the Court granted the request. (See Dkt. No. 56.)

Most recently, on February 7, 2023, the parties attended a telephonic case management conference. At that conference, upon information and belief, the Court ordered Defendants to, by April 6, 2023: (a) produce initial disclosures; (b) provide responses to Local Civil Rule 33.2 discovery requests; and (c) respond to Plaintiff's interrogatories. The Court also *sua sponte* extended the time for Defendants to respond to Plaintiff's initial document requests from April 4, 2023, to April 6, 2023. At that conference, defense counsel noted that it was likely that Defendants would require another extension of time to respond to the Second Amended Complaint.

II. Request for Extension of Time to, *inter alia*, Respond to the Second Amended Complaint.

As detailed in the Defendants' October 27, 2022 and December 22, 2022 Letters, in accordance with the Office's obligations under Rule 11 of the Federal Rules of Civil Procedure, this Office requires adequate time to investigate all of the allegations set forth in the governing pleading. (See Dkt. No. 14.) The Second Amended Complaint in its entirety is two hundred and sixty-eight pages long. (See Dkt. Nos. 14, 14-1).⁸ This Office has been investigating all of the claims in the Second Amended Complaint by, *inter alia*, requesting and reviewing documents from DOC and has, so far, met with nine of the fourteen individually named Defendants in this matter. Nevertheless, due to the sheer volume of the governing pleading – two hundred and sixty-eight pages – the various incidents and allegations contained therein, and the fact that this Office is still awaiting receipt of additional materials such as documents from DOC to further its necessary investigation, this Office requires additional time to complete its investigation in accordance with its Rule 11 obligations.

⁶ On February 21, 2023, a letter motion from Plaintiff was entered on the docket. (See Dkt. No. 64.) The Defendants intend to file a response by February 23, 2023.

⁷ Upon information and belief, no previous deadline was set for producing initial disclosures or responding to Plaintiff's interrogatories.

⁸ The Second Amended Complaint contains two documents, the first is one hundred and fifty pages long, and the second is one hundred and eighteen pages long. (See Dkt. Nos. 14, 14-1.)

Furthermore, as also detailed in Defendants' previous letters, an extension of time is also necessary to afford this Office an adequate opportunity to make representation decisions concerning the fourteen individually named defendants. This Office must determine, pursuant to Section 50-k of the New York General Municipal Law and based on a review of the case, whether it will represent them. (See Dkt. No. 45.) The Second Amended Complaint is two hundred and sixty-eight pages long, involves various individual defendants, and approximately thirty dates of incidents, which requires the receipt and review of hundreds of pages of documents. Additionally, PA Frantz must first be served before this Office can determine whether it may represent him. On February 8, 2023, the Court ordered “[t]he Clerk of Court... to issue a summons and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service upon Defendant Frantz.” (Dkt. No. 62.)⁹ On February 9, 2023, a summons was issued as to defendant Frantz. (See Dkt. No. 63.) However, upon information and belief, defendant Frantz has not yet been served.

In addition, Defendants respectfully contend that the filing of one responsive pleading would benefit the Court and the parties as it would minimize the need to cite to multiple responses. Moreover, having one response would avoid any potential confusion that may arise with respect to the defendants' claims and defenses. Thus, for the reasons detailed above and in the interest of judicial economy, Defendants respectfully request that the Court also, *sua sponte*, extend the time for all defendants who are not currently represented by this Office to respond to the Second Amended Complaint from March 6, 2023, to May 8, 2023.

Importantly, because this Office does not yet have all relevant documents nor has it been able to make representation determinations concerning all of the defendants, the Defendants do not yet know how they will be responding to the Second Amended Complaint. In consideration of the above, and particularly the fact that Defendants are presently unaware of how they are going to respond to the governing pleading, Defendants respectfully contend that in the interest of judicial efficiency and to save the parties time and resources, discovery should not begin until all defendants officially respond to the governing pleading. Thus, Defendants respectfully request a corresponding extension of time of all other currently scheduled deadlines, as detailed below:

Deadline	Current Deadline	Proposed New Deadline
Provide Local Civil Rule 33.2 responses.	April 6, 2023	June 6, 2023
Serve initial document requests and interrogatories.	March 6, 2023	May 8, 2023
Respond to initial document requests and interrogatories.	April 6, 2023	June 6, 2023
Serve subpoenas requesting documents from third parties.	June 13, 2023	August 14, 2023
Complete fact depositions.	June 27, 2023	August 28, 2023
Completion of fact discovery.	July 11, 2023	September 11, 2023

⁹ Early that day, on February 8, 2023, Defendants wrote to the Court to clarify the proper service address for PA Nicolas Frantz: Frantz Nicolas, PA, c/o Gwendolyn Renee Tarver, PAGNY-Correctional Health Services, 49-04 19th Avenue, 1st Floor; Astoria, New York 11105. (See Dkt. No. 60.)

Defendants thank the Court for its consideration.

Respectfully submitted,

/s/ Nicolette Pellegrino
Nicolette Pellegrino
Assistant Corporation Counsel
Special Federal Litigation Division

CC: VIA FIRST-CLASS MAIL

Alexander Williams, Jr.
(B&C 1411801632)
George R. Vierno Center
09-09 Hazen Street
East Elmhurst, New York 11370

SO ORDERED:

Katharine H. Parker

HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE 3/2/2023

The Court is in receipt of both parties' letters and motions. (ECF Nos. 64, 67, 68.) The Defendant's motion is GRANTED in part and DENIED in part. The deadline to answer the complaint is extended to **May 8, 2023**. However, the motion to extend discovery deadlines is denied. The parties shall meet and confer regarding initial discovery requests. Both parties should exchange initial documents requests and interrogatories consistent with Rule 26(a)(1) before the March 6, 2023 deadline and respond to initial document requests and interrogatories by April 6, 2023. Any initial discovery that Defendant can not produce because they do not represent those Individual Defendants shall be noted and produced at a later date.

The parties shall file a joint status letter by **March 30, 2023**, updating the Court on discovery.

The Clerk of the Court is respectfully requested to mail a copy of this order to the Plaintiff.